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2 COMMONWEALTH OF MASSACHUSETTS
3 CITY OF SPRINGFIELD
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8 Public hearing held before the Special
9 Committee on Police Oversight, held at
10 Chestnut Accelerated Middle School,
11 355 Plainfield Street, Springfield,
12 Massachusetts on Wednesday, December 1, 2010,
13 commencing at 6:00 p.m.
14
15

16 COMMITTEE MEMBERS:

17 (See page two)
18
19
20
21

22 Helga Ragle
23 Court Reporter

1 MEMBERS OF THE COMMITTEE ON POLICE OVERSIGHT:

2

3 **Members of the Civil Rights and Race Relations**
4 **Committee:**

5 E. Henry Twiggs, Chair and City Council Vice-President

6 John Lysak, City Council

7 Keith Wright, City Council (Not present)

8 **Members of the Public Health & Safety Committee:**

9 Thomas Ashe, Chair (Not present)

10 Michael Fenton, City Council (Not present)

11 Kateri Walsh, City Council (Not present)

12 **Non-elected members representing the public:**

13 Donald H. Baker (Not present)

14 Prof. Nicholas C. Camerota

15 David J. Jarnes

16 Archbishop Timothy Paul

17 Dean Arlene Rodriguez

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I N D E X

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7 Buraker report

8 Jack McDevitt report

9 speaker list

1 (The meeting was called to order at 6:05 p.m.)

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MR. TWIGGS: It appears that we have all members of the committee and that we have other people coming.

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I know that this is an overcast night. Maybe that is an understatement. It is a rainy night in Georgia. Or maybe it is a rainy night in the north end of the City of Springfield.

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But I think the mere fact that we are here, I want to extend greetings and good evening to all who have weathered the storm and come forth for this hearing tonight.

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We had given some consideration to the possibility of calling this off earlier today, but we thought it would be more of a problem trying to contact people not to come than it was for us to come down and be here in the event folks did come out, and I see as I speak other folks are coming forth.

20

21

22

23

Hello there. I wish you would just come closer. The closer we are, the better.

Before we really get started, a few housekeeping things I would like to do.

1 First of all, you know that these public
2 hearings are being held by a joint committee of the
3 City Council of Public Health and Public Safety and
4 Civil Rights and Race Relations.

5 And this came about as a result of three
6 proposals being submitted to the council for us to
7 review, proposals for what kind of police oversight
8 civilian involvement we would like in the City of
9 Springfield.

10 As such, the joint committees have met and
11 we have expanded the joint committee to place several
12 civilians.

13 And let me just introduce those civilians
14 while we are talking about them.

15 We have first of all Professor Nicholas
16 Camerota. Raise your hand.

17 Doctor Arleen Rodriguez. She is a dean at
18 Springfield Technical Community College.

19 We have David Jarnes. Please raise your
20 hand.

21 And we have Archbishop Timothy Paul, president
22 of the Council of Churches.

23 Now, these are civilian members to this joint

1 body.

2 In addition to that, we have three members
3 from Civil Rights, three members from Public Safety and
4 those of us from Civil Rights -- I am the chair of
5 Civil Rights, so I am here.

6 And let me also introduce John Lysak,
7 Councilman John Lysak, who is another member of Civil
8 Rights, and Councilman Keith Wright is also a member,
9 but he is nursing a young baby at home and the baby has
10 been in hospital care for several weeks now and they
11 finally brought the baby home and he requires
12 around-the-clock care. He and his wife care for the
13 baby, but I am happy that the baby is home.

14 We have all been following this like it is our
15 son or our child. Keith is a very nice fellow.

16 Councilman Tom Ashe, who is the chair of
17 Public Safety and Public Health, has informed us that
18 he has a commitment tonight with his children and is
19 unable to be with us.

20 But we have three other very important
21 people who are with us tonight, and I want to point
22 them out.

23 And of course there is our city solicitor,

1 Edward Pikula, who is the best damn city solicitor in
2 the state without question.

3 I know one thing, he has always been available
4 to us as counsel and he has always given us the
5 straight scoop and I can't help but publicly state how
6 I feel about his work for the city and I am very much
7 appreciative of his effort.

8 In addition to which Bob Arieti, who is our
9 right hand at city hall. Bob sets up everything that
10 we need to have set up. So please recognize Bob
11 Arieti.

12 He heard me. He didn't look up. I don't know
13 if he paid any attention, but he doesn't pay attention
14 to me anyway.

15 Let me also just take the time to mention that
16 we have one other person who is doing great work for
17 us, and that is our stenographer, Helga Ragle.
18 All these public hearings she is recording almost to
19 the letter what is being stated. These are notes
20 from the first meeting.

21 (Mr. Twiggs holding up transcript.

22 Now, the intent when we initially started to
23 have these public hearings was to take it to every

1 section of our community.

2 We kept that in mind when we tried to make
3 appointments for people to serve on the committee.

4 And what I did not mention and I want this in
5 the record, Don Baker, who is a member of this
6 committee, called in and said he was not available,
7 and of course I mentioned that Tom Ashe would not be
8 available.

9 And we did hear from Councilman Allen, who
10 said he would not be available tonight.

11 But the intent was to go to all parts of the
12 city.

13 A week and a half ago, maybe two weeks ago,
14 we met in wards six and seven. We combined those two
15 wards and notified people in those two wards if they
16 would please come out and participate.

17 Tonight we are -- this hearing is two combined
18 wards, ward one and ward three.

19 Next week we'll have wards four and five and
20 the following week we'll have people from ward two and
21 ward eight.

22 I am very pleased that the councilwoman from
23 ward one is here this evening, and I would ask her,

1 Councilwoman Luna, if she could come forward and say a
2 few words in as much as we are in her district, and we
3 appreciate being able to come to her district for
4 this.

5 COUNCILWOMAN LUNA: Good evening
6 everyone. I am so proud that we have this committee.
7 We have a lot of different committees where people get
8 together and nothing happens.

9 And I know with the work with this committee,
10 they will listen to us, they are going to see what
11 actually we need and they are going to do something
12 about it.

13 So I am glad you are all here and we are
14 going to see a lot of good things that is going to
15 happen.

16 Thank you for being here.

17 MR. TWIGGS: Thank you very much.

18 Now there are two other people I would just
19 like for the record to indicate that they are here.

20 We have Lieutenant Brown, Larry Brown, from
21 the IIU section of the Springfield Police Department.
22 He is here, and we have Attorney Kevin Coyle here who
23 represents the police union, and we have been

1 represented that in our earlier committee meetings and
2 they have been there for public hearings and I want to
3 thank them for continuing to come forward.

4 I think I've pretty much kind of covered
5 things.

6 Let me just give you what the ground rules
7 are. I think I ought to deal with that.

8 I already mentioned that the primary purpose
9 of this is to illicit citizen participation into what
10 kind of oversight board the city should have or should
11 we have one.

12 Quite frankly, we have three proposals
13 pending before the City Council and you can get copies
14 of those. We brought them out for you to review.

15 If you don't feel like testifying tonight,
16 you can submit something to us in writing and that
17 information is there to tell you how to do that.

18 In addition, we want to, from information that
19 we gathered from the general public, put together a
20 proposal that will go before the City Council in terms
21 of should we have a police civilian commission board,
22 any problems that deal with oversight of police should
23 go before that board.

1 Whatever comes out of the testimony that we
2 receive and from our deliberations as a panel, we will
3 ultimately make a recommendation to the City Council
4 and ultimately to gain the mayor's support.

5 Now, each person that comes to speak I would
6 ask that you sign in so it's official and it is on the
7 record, we have your signature that you were here.
8 And then we ask that you tell us, give us your full
9 name and address. We'll give you three minutes. We
10 might give you five or six.

11 We just want information that we can use.

12 We would like for you to keep in mind that
13 what we are seeking is information on the kind or the
14 type of oversight body we should have or if we
15 shouldn't have a body.

16 So we would ask for you to try to keep your
17 remarks in that regard.

18 As I have already mentioned, you can give us a
19 written statement and or it can be oral.

20 Let me ask, is there anything that I kind of
21 overlooked from the committee?

22 Does any member have anything they would like
23 to say?

1 MR. JARNES: If anybody wants any copies
2 of the proposal, there is plenty of them here. Help
3 yourselves.

4 MR. PIKULA: Should we add also that they
5 are available on line. And also if you go to the City
6 Council website, you can submit comments on line.

7 You should note that there is also a summary
8 of the three proposals which copies of it are here and
9 that is also on line.

10 MR. TWIGGS: So it is fair to say that
11 what we would be looking for next is for anybody who
12 wishes to testify before this body, you can do so at
13 this time.

14 Let me take the privilege and introduce a
15 dear friend of ours from the labor union, Ron
16 Patenaude.

17 (Applause)

18 We are appreciative that he has come out
19 tonight too.

20 So with that I ask the first person who
21 would like to testify, please come forward at this
22 time.

23 (No response)

1 Now everybody doesn't have to do it at once,
2 but we would like for you to do it.

3 If there is a question of translation, Doctor
4 Arleen Rodriguez will be available to translate for us.
5 So please come forward.

6 (No response.)

7 Lieutenant Brown, can we indulge you for you
8 to come forward first and give us an overview of just
9 what your department does and how you, what
10 relationship you have with the present hearing board
11 and just give us an overview and I anticipate that we
12 would like to probably meet with you at another point,
13 but if you would get us going here.

14 I think this will get people's juices going.
15 Would you please come forward.

16 LIEUTENANT BROWN: Good evening.

17 MR. TWIGGS: Tell us what IIU means.

18 LIEUTENANT BROWN: Internal investigations
19 unit.

20 IIU stands for internal investigations unit,
21 and our function is we investigate citizens complaints
22 or complaints generated within the department by order
23 of the commissioner.

1 In other words if the commissioner issues an
2 order for to us investigate.

3 We don't freelance. We don't -- we aren't a
4 proactive unit.

5 MR. TWIGGS: You only investigate what?

6 LIEUTENANT BROWN: By order of the
7 commissioner.

8 So when a complaint is filed, all the
9 complaints that are put in writing and filed, they
10 start or they are sent to the commissioner's office and
11 they are actually reviewed there first, and he
12 determines if the internal investigations unit is
13 going to investigate or if the officers, commanding
14 officers are going to investigate.

15 And if it is sent to us, usually the more
16 lower level things are investigated by the commanding
17 officer, like rudeness or he wrote me a ticket I
18 didn't deserve type of incident, things like that.

19 For us if it involves any type of, say,
20 physical allegation, criminal allegation, then it comes
21 to us.

22 MR. TWIGGS: Use of weapons?

23 LIEUTENANT BROWN: Yes. Anything like

1 that. Like use of hand weapons, anything like that
2 comes to the internal investigations unit.

3 And once it is sent to us, it is assigned to
4 one of the four officers, and it's myself and three
5 other sergeants, three sergeants in there, and it is
6 assigned to one of us.

7 And we have a ninety-day date requirement
8 from the date that the complaint is initiated and that
9 can be not necessarily the date that they file it. It
10 could be the date of the incident if it involves a
11 supervisor.

12 In any event we have ninety days.

13 MR. TWIGGS: You have ninety days to do
14 what?

15 LIEUTENANT BROWN: We have ninety days to
16 investigate it, get it reviewed by the review board,
17 have it reviewed by the commanding officer, have it
18 reviewed by the deputy chief and have it reviewed by
19 the commissioner.

20 And if the charges are sustained and they
21 request a hearing, then we have to have hearing
22 notices done up by the labor board and we have to
23 serve those hearing notices within that ninety-day

1 period.

2 MR. TWIGGS: All within the ninety-day
3 period?

4 LIEUTENANT BROWN: Yes.

5 And sixty days after that a charge letter is
6 served to a patrolman. We have sixty days. They have
7 a right to have a hearing within sixty days, and we
8 have to serve the hearing notice seventy-two hours
9 prior to the hearing.

10 MR. TWIGGS: So your time line is
11 established for every aspect of it?

12 LIEUTENANT BROWN: Yes.

13 And like I said, for us, we are primarily
14 dealing with the investigative part of the complaint,
15 and we interview witnesses, we do canvases, we gather
16 reports, any video or audio we compile and we do an
17 investigative report.

18 And once that report is compiled, that is
19 what the review board reviews, the information in
20 there, and they make a determination as to -- well,
21 they make a recommendation whether or not it is going
22 to be sustained, not sustained, unfounded, exonerated.

23 And if they feel, say, we didn't do a

1 complete enough job, they will kick it back to us and
2 say we need you to do this, we need you to interview
3 this person or see if you can find this person.

4 In the event that happens, you know, we do
5 what they request.

6 But most of the time they are pretty thorough.
7 We usually cover all the bases.

8 And based on the information contained in the
9 investigation, again they make a recommendation as to
10 whether or not it is going to be sustained or not
11 sustained, exonerated or unfounded.

12 And once they make a determination, they get
13 the initial review of it, and from there, from them it
14 goes to the commanding officer, the captain of the
15 watch or the commander, whoever the officer is, and
16 they review it and they also have an opportunity to
17 make a recommendation as to whether or not to sustain
18 or not sustain, unfounded or exonerated.

19 And from there it goes to the deputy chief,
20 whoever is the deputy chief in charge of the sector of
21 the officer complained about, and they again review it
22 and they make a recommendation. And from them it goes
23 to the commissioner.

1 The commissioner reviews it and he makes a --
2 actually he has the final say.

3 MR. TWIGGS: He makes a decision.

4 LIEUTENANT BROWN: Yes.

5 And since the board has been in place, the
6 commissioner's findings have matched what they have
7 recommended.

8 There is only one incident that I can think of
9 where it didn't and he bumped it up as opposed to
10 reduce it.

11 Because there are going to be some nuances
12 involved. Like if you are not a police officer, you
13 wouldn't understand some of the rules and regulations
14 violations.

15 A civilian might not recognize that, but a
16 police officer will. So they might look at it and see
17 nothing, where a police officer looks at it and says
18 no, they violated this or that, and that might be the
19 reason for the bump-up.

20 But if there is a hearing, we serve the
21 hearing notices and then again, a hearing is scheduled
22 and the -- one of the members from the review board,
23 they are the hearing officer and there is a

1 representative from the labor department that acts as
2 a prosecutor and his -- Attorney Coyle acts as defense
3 for the officer.

4 And it is --

5 MR. TWIGGS: If the person is a union
6 member?

7 LIEUTENANT BROWN: Well, the officers are,
8 yes.

9 So again there would be a hearing and based on
10 that information contained in that investigative report
11 and the information presented at that hearing, the
12 hearing officer will make a recommendation as to
13 whether or not the charges are sustained or not
14 sustained in regards to the complaint and that would be
15 forwarded to the commissioner.

16 MR. TWIGGS: And that is the hearing
17 officer in front of the hearing board that is presently
18 in place?

19 LIEUTENANT BROWN: Yes.

20 So the hearings are conducted by civilians,
21 not by police officers, but by civilians and they make
22 recommendations.

23 They go to the commissioner in regards to, as

1 I said, sustained or not sustained, unfounded or
2 exonerated.

3 And based on that, say, if they sustain the
4 charges on one -- well, there is a couple of incidents
5 when they recommended a discipline also as opposed to
6 sustain or not sustain.

7 Most of the time they just, if they are going
8 to sustain it, sustain the charges, they are just going
9 to forward it to the commissioner and let the
10 commissioner determine what the discipline is going
11 to be.

12 MR. TWIGGS: For the purpose of
13 clarification sustained means I agree?

14 LIEUTENANT BROWN: Yes.

15 MR. TWIGGS: So everybody kind of
16 understands some of this terminology.

17 I know why I am so appreciative of the effort
18 that you have given us here tonight is so we can get a
19 chance for the lay people to understand what, how much
20 investigatory time and your time line is required for
21 you to just look at one individual case.

22 Now, one case could be involving three or four
23 officers?

1 LIEUTENANT BROWN: Or ten, sometimes ten.

2 MR. TWIGGS: Yes.

3 Now, is it fair for me to ask you how many
4 policemen are we talking about that potentially can
5 come under your investigation?

6 I suspect the entire department or can you
7 investigate a deputy chief?

8 LIEUTENANT BROWN: You mean -- well,
9 technically I probably could, but if it's a deputy
10 chief, I probably wouldn't be doing it.

11 It would probably be another deputy or the
12 commissioner.

13 MR. TWIGGS: So is it fair to say that
14 you are looking at -- well, tell me, what are you
15 looking at? From captain down or from patrolman up?

16 LIEUTENANT BROWN: Based on the
17 situation, and the commissioner makes that
18 determination, because actually all we are doing is
19 we are representing the commissioner in the
20 investigation.

21 MR. TWIGGS: That is what I thought.

22 LIEUTENANT BROWN: So we are asking the
23 questions, but we are asking the questions for the

1 commissioner.

2 MR. TWIGGS: But I am just trying to get a
3 sense of how -- I know you mentioned that there is
4 three sergeants and you as a lieutenant.

5 LIEUTENANT BROWN: Yes, sir.

6 MR. TWIGGS: And I am just trying to get a
7 sense of how busy your department can be or how much
8 work your department would have if you are dealing
9 with, let's say, four thousand officers, four hundred
10 and fifty officers.

11 LIEUTENANT BROWN: Well, believe it or
12 not there are not as many complaints as people would
13 think.

14 MR. TWIGGS: That is what I think.

15 LIEUTENANT BROWN: And it is a very small
16 percentage of officers that we are talking about.

17 Say, if we have four hundred officers, you
18 are probably dealing with about maybe ten percent.

19 Some of it is going to be determined where
20 they are assigned, you know, the type of assignments
21 they have.

22 MR. TWIGGS: So that is down to forty.

23 LIEUTENANT BROWN: Because if you -- and

1 then you have even a smaller percentage of those that
2 are actually sustained.

3 MR. TWIGGS: Yes.

4 LIEUTENANT BROWN: Because any complaint
5 that is put in writing we investigate.

6 We don't turn anything away. If they put it
7 in writing, I don't care how minor it might be, at some
8 level it is investigated.

9 But the way that we have come with eliminating
10 so much work for us is that we have the investigation
11 that is done by the CO. That is called
12 pre-investigation of employee. We call it PIE.

13 So the ones that are not as serious, it would
14 be investigated at the CO level. So we would only get,
15 like I said, the more serious complaints.

16 MR. TWIGGS: So if something came up,
17 let's say, tonight on the four to midnight shift and it
18 is, say, a person was apprehended and brought into the
19 station and he is yelling and screaming, hey, you
20 knocked me on my head or you used undue force, the
21 commanding officer would look into that first, even if
22 there was not a complaint?

23 LIEUTENANT BROWN: Well, what happens is

1 even if there is not a complaint, we have a captain in
2 place. He reviews all of those use of force incidents.

3 MR. TWIGGS: Okay.

4 LIEUTENANT BROWN: And it's a captain of
5 professional standing.

6 So even if a person doesn't file a complaint,
7 if he reviews it and feels there might be something
8 there, he initiates the complaint. So we would
9 investigate it regardless.

10 So that was recently -- that was put in place
11 within maybe the last year and a half.

12 So those problems are addressed even if they
13 don't file a complaint.

14 MR. TWIGGS: I think that is what I was
15 trying to get on the record.

16 I kind of felt that, but I wanted somebody
17 from your department to say it.

18 Now, lieutenant, I was talking to an officer
19 oh, I don't know, about six months ago, and he
20 indicated that when there was a case where the local
21 paper ran a video of a person being apprehended and
22 there was a use of force in this particular case, and
23 when speaking to this officer, he said that the force

1 that was used to subdue the individual is the training
2 that we received as an officer.

3 Well, I said well, it was four people, four
4 policemen, and he said, well, that is what is
5 required.

6 And so I have said to this committee that we
7 need to talk to people who dispense training to get a
8 sense of people, of the policemen's -- policemen are
9 trained to, whatever it takes, to subdue a person,
10 once you say you are under arrest, to subdue and
11 handcuff them.

12 So I didn't know if that was the case or
13 not.

14 MR. PIKULA: Let me just say, I think at
15 the next hearing we have an officer come in from the
16 academy who can talk about the use of force continuum
17 they call it.

18 May I ask a few questions?

19 MR. TWIGGS: Oh absolutely. I think this
20 is an excellent way for any committee member.

21 Yes, go ahead.

22 ARCHBISHOP PAUL: I have one question.

23 MR. TWIGGS: Go ahead.

1 MR. PIKULA: All right. Let me just ask
2 you, if I may, lieutenant, do you have any idea how
3 many calls for service the Springfield police
4 department receives on an annual basis?

5 LIEUTENANT BROWN: That is probably in the
6 thousands.

7 MR. PIKULA: Excuse me?

8 LIEUTENANT BROWN: Probably in the
9 thousands. I am not too sure.

10 MR. PIKULA: And do you know how many 911
11 calls they get?

12 If you don't know, that is okay.

13 LIEUTENANT BROWN: I just know it is in
14 the thousands.

15 MR. PIKULA: Hundreds of thousands?

16 LIEUTENANT BROWN: Hundreds of thousands.
17 Excuse me.

18 MR. PIKULA: Any idea how many arrests are
19 made on an annual basis?

20 LIEUTENANT BROWN: Again that's a lot.
21 Thousands.

22 MR. COYLE: Seventy-two hundred.

23 MR. PIKULA: We'll get Attorney Coyle on

1 some of that.

2 The process that you described tonight, is
3 that the process that has been followed since
4 February of 2010 when the mayor issued the executive
5 order?

6 LIEUTENANT BROWN: Yes.

7 MR. PIKULA: And in that process that you
8 described could you relate to us how the IIU interacts
9 with the board?

10 How does the civilian board get to review
11 the files and what files do they get to review?

12 LIEUTENANT BROWN: They review all the
13 files, the ones that we investigate and the internal
14 investigation unit and the ones that are investigated
15 by the commanding officer, and every week we are in
16 contact with the -- they have a rotation of the review
17 board members that are reviewing cases for certain
18 weeks. And every week we have cases we contact whoever
19 is up in the rotation and we notify them that we have
20 cases to be reviewed.

21 And because of the open meeting law we have to
22 post that at city hall. We have to post that in the
23 police station. We have to notify each officer that a

1 case involving them is going to be reviewed.

2 And once that is scheduled, we have one
3 scheduled on Friday at 4:30. So we gather the cases
4 and we meet with whoever is going to review the case,
5 and they review the cases and they make a
6 recommendation in regards to what should happen.

7 MR. PIKULA: Now, the recommendations that
8 they make, are those in writing?

9 LIEUTENANT BROWN: Yes.

10 MR. PIKULA: And do you have a form that
11 has the data on each case, in terms of who is involved
12 and what the allegations were?

13 LIEUTENANT BROWN: Yes.

14 MR. PIKULA: And you gathered all of those
15 forms in your office or the commissioner's office?

16 LIEUTENANT BROWN: Yes.

17 MR. PIKULA: And is the board, if you
18 know, preparing an annual report that is going to list
19 all of the cases they have reviewed and all of the
20 outcomes?

21 LIEUTENANT BROWN: Yes.

22 MR. PIKULA: And that is in the process
23 now?

1 LIEUTENANT BROWN: Yes.

2 MR. PIKULA: And you have a data base of
3 all this information?

4 LIEUTENANT BROWN: Yes.

5 MR. PIKULA: And is it fair to say the
6 intent is to make that data available on a quarterly
7 basis as we go forward?

8 LIEUTENANT BROWN: Yes.

9 MR. PIKULA: And when that data base is
10 set, you will be able to issue reports quarterly
11 indicating what has been going on?

12 LIEUTENANT BROWN: Yes.

13 MR. PIKULA: And is that similar to what
14 they do in Boston, if you know?

15 LIEUTENANT BROWN: Yes, it is.

16 MR. TWIGGS: Everyone can hear and
17 understands what is going on?

18 Does everyone understand? I want to make
19 sure everybody understands or if we need a translation
20 is really what I am looking for.

21 MEMBER OF THE PUBLIC: The question I want
22 to ask: What are they designed to do?

23 I mean is it -- is the questions that are

1 being asked of the gentleman, are they formed and
2 shaped in a way that will allow us to know of the
3 great work that the Springfield police department is
4 doing?

5 MR. TWIGGS: No, no. I think you came in
6 a little late.

7 The work of this committee, joint committee,
8 is to enlist citizen input and to determine what kind
9 of oversight board we would like to have established in
10 Springfield.

11 The questions that are being asked of this
12 particular gentleman, who is in charge of the IIU for
13 the police department, is to get a sense of what he is
14 presently doing with the present hearing board and to
15 know to the extent of his work with the existing
16 board.

17 It is only relevant for this body to get a
18 sense of what they are already doing, but it has no
19 relevancy on what type of ordinance we are going to
20 take forward.

21 This is germane for all of you to know what --
22 when you say IIU, I don't know what IIU does.

23 You wanted to ask a question.

1 ARCHBISHOP PAUL: I'd like to, Mr. Chair.
2 I have two questions.

3 There are actually three right now proposed
4 ordinances that this committee is hearing.

5 How long have you been with IIU?

6 LIEUTENANT BROWN: A little over ten
7 years.

8 ARCHBISHOP PAUL: So would it be fair to
9 say you were involved in IIU under the previous
10 oversight?

11 LIEUTENANT BROWN: Yes.

12 ARCHBISHOP PAUL: When there was a police
13 commission?

14 LIEUTENANT BROWN: Yes.

15 ARCHBISHOP PAUL: Was IIU responsible at
16 that time to the commission or was it still that all
17 investigations were initiated by the chief back then?

18 LIEUTENANT BROWN: Well, it can come --
19 yes, the chief still issued the order.

20 ARCHBISHOP PAUL: Did IIU at that time
21 have oversight to investigate even deputy chiefs and
22 people of the upper ranks?

23 If a patrolman had a complaint against a

1 ranking police officer, would IIU at that time would
2 they have any authority to investigate those kinds of
3 things?

4 LIEUTENANT BROWN: Yes.

5 ARCHBISHOP PAUL: Well, how about for right
6 now?

7 LIEUTENANT BROWN: Yes.

8 ARCHBISHOP PAUL: So you have been
9 involved since we had a police commission and now the
10 review board?

11 LIEUTENANT BROWN: Yes.

12 ARCHBISHOP PAUL: But ultimately one
13 person makes the determination and the final decision
14 as to what is done in terms of the action just by
15 review, a recommendation by the review board, but the
16 IIU does not make any particular recommendations?

17 LIEUTENANT BROWN: No.

18 ARCHBISHOP PAUL: Thank you.

19 MR. TWIGGS: Just for clarification,
20 under the model of when Springfield had a police chief
21 we had a police commission, which was I think five or
22 seven members, civilian, civilian members.

23 Did your report go to the commission, the

1 police commission or did it go to the police chief?

2 LIEUTENANT BROWN: The commission.

3 MR. TWIGGS: The commission, police
4 commission.

5 LIEUTENANT BROWN: Yes.

6 MR. TWIGGS: Any other questions?

7 MEMBER OF THE PUBLIC: (Mr. Stokes).

8 I would like to know because City Councilman Twiggs
9 said that the board, this board here wants to develop
10 a police commission and over-review board, what -- and
11 I speak for residents from our community.

12 And most of residents of our community, we
13 are all for a community review board that has the
14 power to hire, fire, to have the power to investigate
15 things.

16 We want them to be in a position, if the mayor
17 has hired seven people, Ms. Tucker, Mr. Jackson, all
18 outstanding members of our community, then they
19 should have at least enough power to make disciplinary
20 decisions.

21 We have to deal with the systemic racism, we
22 have to deal with police officers coming into the
23 community who don't have sensitivity to our needs.

1 And so what the community is asking for the
2 board to consider is a review board that has power.

3 Now, this review board has no power to hire,
4 to fire, so we see with the Jeffrey Astor issue that
5 this man was able to do what he did repeatedly under
6 this Commissioner Fitchet without any recourse at all.

7 Had the review board had some power to hire
8 and fire and make some disciplinary changes, we
9 wouldn't be sitting here asking those questions.

10 So the overall picture is this. This is what
11 the community wants.

12 This is what we want the elected officials to
13 do, is to advocate for us, who are being beaten.
14 Now, we don't condone drug selling, but if people get
15 caught violating the law, they should be arrested, they
16 should be booked and they should have their day in
17 court.

18 They shouldn't be beaten in the middle of the
19 street.

20 And if officers get the opportunity to
21 collect disability pensions and get fired for their
22 dastertly acts.

23 So all of this is great, but we need

1 something with some substance because we are sitting
2 here listening and no one is talking about the
3 substance that is needed for our community, the
4 Latino and African community, men who are being beaten
5 like dogs with no recourse.

6 We would like to have that issue addressed.

7 MR. TWIGGS: Let me just say, I think
8 what you have done excellently, given a hell of a
9 three-minute speech asking a question of Lieutenant
10 Brown.

11 You see, with respect to what you are
12 receiving as feedback from the community, you should be
13 testifying to that.

14 And so we have reluctantly allowed people to
15 ask questions from the audience, because we know they
16 have got something to say. It is best if you speak
17 publicly and then it is on the record.

18 So I know where you are going with that and
19 some of us have some similar feelings that you have,
20 but we are not here to charge -- hold on, hold on.
21 I want to give you an opportunity to go to the podium
22 and speak.

23 You could speak in favor or against what you

1 have heard. You have that opportunity. This is a
2 public speak-out.

3 But what we don't want to do, we don't want
4 to badger him. He is here to provide us with
5 information, and so that is what we are here for.

6 And let me just take this moment to recognize
7 Attorney Cynthia Tucker who is the chair here of the
8 present hearing board and I want her to know that.

9 I mean we are not going to allow badgering
10 because that is not what we are here for. We are
11 seeking information.

12 But when you get a chance, come up and go to
13 the podium to speak.

14 MEMBER FROM THE PUBLIC: Okay. I
15 apologize.

16 MR. TWIGGS: I know you've got some
17 strong feelings on this because you have already let
18 me know about that.

19 There was -- other committee members want to
20 ask questions?

21 ARCHBISHOP PAUL: I'd like to hear from
22 the people on the floor.

23 MR. TWIGGS: Oh yes. We are ready for

1 that.

2 Are there any other questions is what I am
3 trying to ascertain since we have Lieutenant Brown here
4 that we would like to ask of him. That is the
5 question.

6 If there is not, Lieutenant, let me extend
7 my sincere appreciation for you to come here this
8 evening. And would you keep your schedule open, I
9 would hope that at some point we might want to bring
10 you back.

11 LIEUTENANT BROWN: Sure.

12 MR. TWIGGS: Just to meet with the
13 committee.

14 LIEUTENANT BROWN: Sure.

15 MR. TWIGGS: Thank you very much.

16 (Applause)

17 Now the floor is open for -- we ask that you
18 sign in.

19 MS. MORALES HARRISON: Good afternoon.
20 My name is Joanne Morales Harrison. I am actually one
21 of the police hearing --

22 MR. TWIGGS: I am sorry, your name is?

23 MS. MORALES HARRISON: Joanne Morales

1 Harrison.

2 MR. TWIGGS: Joanne Morales?

3 MS. MORALES HARRISON: Yes. I live at
4 472 Plainfield Street in the north end.

5 I actually represent two entities. I am
6 currently one of the hearing officers with Cynthia
7 Tucker, one of the seven board members.

8 I was also one of the other police
9 commissioners prior to this about four years ago.
10 So we did have different experiences as far as board
11 members.

12 I also represent sector A, which is the north
13 end here, ward one, as a citizen.

14 So I had some -- actually some comments with
15 regard to Lieutenant Brown.

16 We do work very closely with IIU. There is a
17 lot of work that is put into even before we hear these
18 cases, and I mean and I am giving IIU all the credit.
19 I mean you can tell how much effort is put into this.

20 When they give us a case, it is a very
21 thorough case with information, and any time that we
22 need, we have questions, they are there.

23 There is no hesitation on being given this

1 board information.

2 They make it very open for to have these
3 meetings at any time.

4 They are very flexible. They work with us on
5 our schedule.

6 So when we have cases and we have several
7 cases that we hear, if we have questions, we bring it
8 back to them and they answer them, and then we hear
9 them again.

10 So it's not a board that we take lightly.
11 We represent, the seven of us on the board represent
12 the City of Springfield and we take it very seriously.

13 The board is something that when we first took
14 on, we knew this was a big major role, a big
15 responsibility for us. A lot of us spend a lot of time
16 with IIU and other people in the police department to
17 make sure that we are doing all, everything in order
18 and following our procedures.

19 One of the comments I want to say, there is a
20 big difference between the board. You know, like I
21 said, my experience in being a five-member police
22 commission a few years ago and this board has different
23 powers.

1 I mean we do make recommendations. This
2 board does not take any recommendations from anyone
3 outside of the information and the facts that we
4 receive. There is no one here telling us you can't go
5 this way or that way.

6 When we review the cases, every case is
7 reviewed on individuals and what we have in front of
8 us.

9 MR. TWIGGS: On the merits.

10 MS. MORALES HARRISON: On the merits.

11 MR. TWIGGS: Now, let me just ask you for
12 my own clarification.

13 As a member of the five-member commission, how
14 is it different, you know, as police commissioner
15 then and as a member of the seven-member hearing board
16 now?

17 Can you tell us the difference between the
18 two?

19 And I think it is just so wonderful that we
20 have a person here who has served in both capacities.

21 MS. MORALES HARRISON: In our commission
22 prior when we would hear cases, and some cases serious
23 cases, it would take a few hours, and like I said

1 sometimes we were in this for a few hours, when we
2 made a recommendation, the recommendation would be,
3 say, a suspension, the acting chief was mostly at
4 those meetings, and when we set a suspension, it was a
5 suspension.

6 It was not that we would review it and someone
7 else then made the recommendation. When we make a
8 recommendation and then it goes to the commissioner and
9 then he finalizes it.

10 Our board then was -- once we finished at the
11 end, when we made our recommendation, that is what it
12 was.

13 MR. TWIGGS: That was the end result?

14 MS. MORALES HARRISON: Yes.

15 MR. TWIGGS: And so as Officer Brown
16 mentioned, that recommendation is coming through IIU
17 to you as a hearing officer, everything that you have
18 recommended to the police commissioner, the present
19 police commissioner, has been sustained and or has
20 increased from what you have recommended?

21 MS. MORALES HARRISON: Yes.

22 MR. TWIGGS: Is that fair to say?

23 MS. MORALES HARRISON: That is fair to

1 say.

2 MR. TWIGGS: Let me also ask you, how
3 often or how many cases have you heard -- maybe that is
4 not fair -- but can you give us a general feeling of
5 how many cases you have heard this year?

6 MS. MORALES HARRISON: Like Lieutenant
7 Brown was saying, sometimes we have certain cases that
8 are not as serious.

9 We review all cases, and if we feel they need
10 to go to another level, then we recommend that needs to
11 go to another level.

12 But every week we are basically in the police
13 department on different schedules that we have that we
14 rotate and we may hear one week four cases that we
15 hear, one week we may have seven. Some weeks week we
16 don't have any at all.

17 MR. TWIGGS: Can you explain to me when
18 you say a case might have to go to another level?

19 More more: We may feel the investigation
20 has some serious merit and we feel there is some more
21 information, we need some more information.

22 Maybe we want to call in a witness that they
23 cannot find, and we'll try our best to locate a

1 witness.

2 MR. TWIGGS: Okay.

3 MS. MORALES HARRISON: Things like that.

4 Or many of the serious cases that we feel --
5 we look at all policies and procedures within the
6 department, have they been followed, are they in
7 order. If they have been followed, are there policy
8 mistakes, AND then we just make our recommendation
9 that everything was followed the way it was.

10 ARCHBISHOP PAUL: Mr. Chair.

11 MR. TWIGGS: Yes.

12 ARCHBISHOP PAUL: Can I ask you under the
13 previous commission did you also have commendation
14 powers to commend officers who performed well?

15 MS. MORALES HARRISON: I want to say we
16 made recommendations when officers -- I mean I know we
17 worked closely Paula, and so whenever there was
18 somebody that was being recommended, we would review
19 that.

20 But you know, you have to -- the thing with
21 the powers, and I want to say this, is I think people
22 need to be clear whatever powers are given to this
23 board, you have to have individuals who understand how

1 the procedure, the departmental rules.

2 You just can't have a citizen who doesn't
3 understand a lot of the rules because then there is
4 conflict, and also individuals that are going to vote
5 based on facts, not based on --

6 ARCHBISHOP PAUL: But this current review
7 board does not have any commendation powers?

8 MS. MORALES HARRISON: No.

9 ARCHBISHOP PAUL: So you can't even
10 commend an officer who does well?

11 MS. MORALES HARRISON: Well, we have some
12 individuals who got promoted recently and, you know, we
13 were invited to the ceremonies, but we don't have
14 powers other than that.

15 MR. TWIGGS: Neither do you have the power
16 to hire?

17 MS. MORALES HARRISON: No.

18 ARCHBISHOP PAUL: Under the previous
19 commission did you have any involvement in the actual
20 formation of the hiring of the current commissioner?

21 MS. MORALES HARRISON: No, I didn't.

22 ARCHBISHOP PAUL: So it is fair to say
23 that just because this commissioner accepts the

1 recommendations of the current review board, doesn't
2 mean that he has to accept your recommendation?

3 MS. MORALES HARRISON: No, he doesn't. He
4 can make other recommendations.

5 ARCHBISHOP PAUL: And I think that is what
6 we are trying to do here.

7 I mean if you go through all of the extensive
8 time working with Lieutenant Brown and the committee
9 hears it and then you make a recommendation, and if he
10 doesn't agree with the recommendation, he doesn't have
11 to accept that recommendation, then it kind of-- I
12 would think it leaves the citizens without an
13 advocate.

14 That is just my comment.

15 MR. TWIGGS: Is there any other member who
16 wishes to ask questions?

17 Is there something else you want to add?

18 MS. MORALES HARRISON: No. I just want to
19 say thank you.

20 MR. TWIGGS: Let me say thank you to you.
21 I appreciate you coming forward and I can tell you that
22 you have enlightened us by information that you have
23 given us.

1 Let me thank you for the work that you do for
2 the City of Springfield.

3 MS. MORALES HARRISON: Thank you.

4 (Applause).

5 (Archbishop Paul leaving.)

6 MR. TWIGGS: Let me also just acknowledge
7 that Archbishop Timothy Paul has to leave. He has
8 church services tonight.

9 Please sign in.

10 MR. STOKES: I did, sir.

11 MR. TWIGGS: Your name and address
12 please.

13 MR. STOKES: My name is Mr. Charles
14 Stokes. My address is 201 Wilbraham Road, ward four in
15 the City of Springfield, Massachusetts.

16 I am here tonight to talk about the citizens
17 review board, and after hearing the questions and
18 answering, it leaves me again to wonder why do we have
19 these boards in place when they don't have any power
20 at all.

21 As a citizen of this community and this
22 city we need a citizen review board that has the
23 power to hire, that has the power to fire, that has the

1 power to make disciplinary decisions.

2 The citizens of this city, most of them are
3 in line with the Springfield police union, and they'll
4 speak for themselves, who want a citizen review board
5 that has some power, that has got some teeth.

6 We would also like to know for the record
7 where does the city council person stand with the
8 three recommendations or a recommendation for a
9 review board that has power.

10 The way this is going now, they don't have any
11 power at all.

12 The commissioner, in the Jeffrey Astor case
13 in particular, he could have suspended Astor for five
14 days without pay.

15 He had that right.

16 But he chose not to even do that.

17 Had the review board had enough teeth in it,
18 they could have at least did that for five days to
19 show the citizens of Springfield that there was some
20 equality in the process.

21 That didn't happen.

22 And so once again, the people who suffer
23 most from this, from the few derelicts you have in the

1 Springfield police department is the African American
2 community and the Latino community.

3 And so what happens is, we don't have any just
4 advocate for us.

5 Listen, we are not here -- I am not here to
6 condone drug selling. I am not here to condone
7 violence, but when people get arrested, they have a
8 right to get arrested, to be booked and have their day
9 in court.

10 When you have community residents getting
11 their heads beaten and nothing happens, and you can
12 take a black cat and if I beat a black cat, it is
13 going on U-Tube and all over this country, they will
14 send me to jail for beating a black cat.

15 But I can beat a black man or a Puerto Rican
16 man in the street and I can lose my job with all of my
17 benefits.

18 Where is the equality in that?

19 How can the Springfield citizens have faith
20 in the Springfield police department or the City
21 Council or the mayor when you hire these good people
22 to work on the board and then they have the power to do
23 nothing.

1 They make a recommendation. If the police
2 chief and the mayor doesn't go along with it, their
3 recommendation is nothing.

4 So what you actually have, no disrespect, is
5 you have mannequins who are dressed well and look
6 well, but they can't speak. They don't have any
7 power.

8 And our communities are suffering.

9 And so the city council members are advocates
10 for the community.

11 What we ask is that you advocate on our
12 behalf.

13 You have good people in the community who are
14 willing to work with you. As we are sitting here in
15 the north end, you have me and my good friend Joaquin
16 back there.

17 Is anybody going to Joaquin and ask him what
18 to do with this problem that we have?

19 You have myself, I am a mentor. Do you come
20 to us and ask us how can we help you with the drugs,
21 how can we help you with the violence, how can we help
22 with the gangs?

23 Nobody asks the people with the experience to

1 help with this problem. And so we suffer. We get
2 beat.

3 And nobody speaks for us. You have these
4 meetings, but nothing happens.

5 MR. TWIGGS: Let me just interject
6 briefly, Mr. Stokes.

7 MR. STOKES: Sure.

8 MR. TWIGGS: And you have been very
9 forceful in your analysis of what is going on, but let
10 me just clarify somewhat of a difference of my
11 understanding of what you have articulated, and that is
12 this:

13 This City Council has presently before it
14 three proposals for police oversight.

15 MR. STOKES: Right.

16 MR. TWIGGS: Now, we have the present
17 hearing board which the mayor has proposed, what city
18 councilors filed so that it can become an amendment of
19 City Council.

20 Another member filed that we go back to the
21 old police community, police commissioners.

22 And then another group or body, of which I
23 am a member of, we filed another amendment,

1 proposal. And all three of those proposals were so
2 different.

3 And so what I, as chair of the civil rights
4 committee, thought, it would be important that we have
5 the citizens of this great city to review all of the
6 proposals that are before us, have Mr. Charles Stokes
7 come before us and say how he feels and say how he
8 represents, the group that he represents, just how he
9 feels.

10 Now rest assured, we will review what you are
11 telling us tonight, I mean in its entirety.

12 And the same as we would hear from the
13 other brother that you spoke of from this community.
14 We are here because we want to hear. We want to know
15 what your feelings are.

16 One at a time. We've got rules.

17 I mean we are not, you know, a rag-tag body.
18 We have to abide by the laws.

19 Now, the present police commissioner has a
20 contract with the city.

21 Now, I cannot as a city councilor vote to
22 violate that contract. But I can find something as
23 close to what I want as a city councilor by reviewing

1 all of the data, all of the information.

2 And so it is our hope that as we come out to
3 the different communities that we hear from persons
4 like yourself, to tell us specifically, you know, how
5 you feel.

6 Rest assured that all of us have a concern
7 that all of the citizens of this great community are
8 represented.

9 MR. STOKES: I just like to --

10 MR. TWIGGS: And we are not here to bash
11 the police and we are not here to bash you.

12 MR. STOKES: You can bash me.

13 MR. TWIGGS: No, no, I want to make it
14 clear that we are not.

15 MR. STOKES: I am a big person, I can
16 handle it.

17 MR. TWIGGS: We just want the information
18 so that --

19 I MR. STOKES: I appreciate that. I just
20 want to finish on this note.

21 All three proposal that are presently
22 pending, none of them give our citizens on the review
23 board the ability to make decisions that will be

1 substantiated.

2 It don't have to be kicked back and forth.
3 What we are asking as people who vote for the City
4 Council, and you have heard this before, Mr. Twiggs,
5 and I am sure all of you heard this before:

6 Most of the community advocates who advocate
7 for the people who can't speak for themselves have
8 consistently said, we would like a community review
9 board that has the power to fire, to hire, to make
10 disciplinary, to make commendations.

11 So it's not what the City Council wants, but
12 what the constituents and the residents and the
13 advocates for the people would like to see so that
14 Ms. Tucker, Mr. Jackson and all of those fine
15 upstanding citizens, this lady here -- what is your
16 name, dear?

17 MS. MORALES HARRISON: Joanne.

18 MR. STOKES: That she can have the
19 power to look at that young man next to her and say, I
20 did a great job by taking somebody off the street.

21 Right now all of our brothers and sisters who
22 hold these positions hold these positions without the
23 authority to make a final decision to help the

1 community.

2 If that is not going to take place, then we as
3 a community, we must gather ourselves together and vote
4 for some people who are going to have the ability to
5 help us.

6 And I am going to leave with this:
7 The great abolitionist, Frederick Douglas, said:
8 Power conceives nothing without a demand.

9 And I will add to that and even a weak need
10 constituency betting will not get the result that we
11 need.

12 We need to have power and enforce the power,
13 because nobody is going to hear us. This is not going
14 to happen unless we make it happen.

15 Thank you.

16 (Applause)

17 MR. TWIGGS: Thank you.

18 I just want to -- yes.

19 MR. JARNES: I want to make a comment.

20 Mr. Stokes, the first point you made about you
21 wanted the board to have teeth, I think that from what
22 we have heard, both tonight and the previous evening,
23 that is the general consensus of everybody what they

1 want to have.

2 I believe, and correct me if I am wrong, the
3 committee, Mr. Twiggs, but I believe that what we end
4 up recommending may not be verbatim what is contained
5 in these proposals.

6 But the point that you made about that you
7 want this commission, this review board to have the
8 power to hire, fire and discipline officers, there
9 are legal issues involved.

10 I am sure that the police union representative
11 could speak for that.

12 There is a specific disciplinary procedure
13 which is contained in their contract that has to be
14 followed that a civilian commission, and even the
15 police commissioner cannot just summarily execute
16 discipline.

17 Maybe as you say, I am not that familiar
18 with this -- he could have issued a five-day
19 suspension.

20 As far as anything beyond that, and also with
21 hiring and firing, you know, there are legal issues
22 involved and contractual issues.

23 MR. TWIGGS: Thank you.

1 I was going to ask the city solicitor:
2 With respect to hiring and firing, when we had a police
3 chief, the former police commissioners had the
4 authority to hire and fire?

5 MR. PIKULA: That is correct.

6 MR. TWIGGS: That is what I thought.
7 So they did have the authority to hire and fire, and
8 if -- but also to give commendation when it is due.

9 Next speaker please.

10 MR. COYLE: I am Kevin Coyle. I am an
11 attorney. I represent the patrolmen's union in
12 Springfield.

13 I see if I can figure out how to sign in here
14 in a second.

15 Local 364, International Brotherhood of Police
16 Officers represents all non-supervisory police officers
17 in the City of Springfield.

18 In the year 2000 there were five hundred
19 forty-two funded positions for police officers, plus an
20 additional ninety-five police supervisors.

21 Right now there are, I believe, three hundred
22 and sixty-one police officers employed by the City of
23 Springfield, and from that number there are a number

1 that are unable to serve because of injuries or other
2 reasons such as that.

3 So the police force itself is down something
4 like a hundred and eighty personnel just in the
5 patrolman's rank, and there are similar reductions in
6 the supervisor's rank.

7 As the communities here well know the
8 position of the patrolmen's union has from the
9 beginning been to advocate to restore the former police
10 commission.

11 The police commission existed in the city
12 pursuant to city ordinances for many decades, and I
13 believe it functioned well, accomplished its goals and
14 it was changed in, I believe it was 2006 by the control
15 board.

16 The change was never initiated or adopted by
17 any locally elected body or any local individuals.
18 It was done by the control board appointed by Governor
19 Romney.

20 And it fit in with the creation of the
21 position of police commissioner.

22 One of the issues that was raised at the
23 time was, what about citizen input?

1 I would point out that the department
2 underwent an extensive analysis and review of the so-
3 called Buraker report, and the Buraker report did not
4 make any specific recommendations as it relates to
5 any citizen review board.

6 They did make a passing comment to the effect
7 of questioning whether or not the police commission
8 should be advisory rather than exercise the authority
9 that it had for all these decades.

10 And make no mistake, the old police commission
11 ran the police department.

12 They were the appointing authority as the
13 term is used under the law, Chapter 31, Civil Service
14 Law, that indicates that they have the sole authority,
15 the old police commission, to hire, to impose
16 discipline at any level up to and including
17 termination.

18 They had the authority to decide on
19 promotions and all matters within the department,
20 including policy decisions.

21 One of the reasons that the patrolmen's
22 union is vocal on this point is that we are concerned
23 that the present hearing board and its predecessor, the

1 review board, focused only on discipline, only
2 allegations of misconduct.

3 We don't believe that this function gives
4 them a sufficiently broad exposure to the police
5 department, the conditions under which police officers
6 work, the policies which they are expected to follow,
7 the rules and regulations which control their
8 activities and which dictate how they would be held
9 accountable for violating the various rules.

10 The old police commission was the rule-
11 making body. They could establish the rules.
12 They also were the policy maker, so that the training
13 was at their discretion.

14 They had control over that, so if they
15 thought that there was some aspect of police training
16 that should be changed or improved, they had the
17 authority to impose that requirement on the police
18 department.

19 All of these functions are now centered on
20 the single authority, the commissioner.

21 And as we all know, Commissioner Fitchet has a
22 contract which runs through, I believe it was 2013, and
23 in that contract the city has agreed that he will

1 continue to exercise most of these powers which people
2 have been talking about here this evening.

3 So I don't believe there is any way that
4 there could be any change in that authority, at least
5 through the duration of Commissioner Fitchet's
6 contract.

7 I don't think that should preclude
8 contemplating what organization, what structure the
9 police department should have upon the end of that
10 obligation, upon the end of the commissioner's
11 contract.

12 I think it might also be wise to ask the
13 commissioner. Perhaps the commissioner would be
14 flexible on some of these matters and if it was the
15 choice of the City Council and the mayor, whoever is
16 responsible for changing policy, to make such changes.
17 Perhaps the commissioner would show some flexibility if
18 he was asked.

19 He obviously showed some flexibility with
20 the present hearing board in that he has deferred to
21 them to allow them to conduct these hearings.

22 Under the current law and under his contract
23 he doesn't have an obligation to even do that.

1 He could delegate the hearing authority to
2 anyone he wants.

3 So the present system operates only on the
4 largess or the agreement of the police commissioner.
5 And perhaps the police commissioner would be willing to
6 recognize the old commission format, and even if he
7 wasn't, I think it is appropriate for the City Council
8 and the mayor to contemplate what structure they want
9 the police department to take as it moves into the
10 future.

11 The mayor at one point advocated for a return
12 to a police commission and then changed his position
13 rather quickly.

14 We believe that police commissioners who are
15 involved in training and involved in policy-making,
16 involved in commendation, involved in reviewing
17 injuries that police officers suffer and understand
18 the nature of that work thoroughly, hopefully
19 understand the rules and regulations thoroughly,
20 understand the policies and procedures of the
21 department thoroughly, will be in a better position
22 to judge the actions of police officers in a
23 disciplinary setting than a group that has this very

1 narrow focus and reviews only and is exposed to only
2 the complaints of misconduct.

3 To address just a couple of issues that came
4 up before, calls for service I believe were around a
5 hundred and fifty thousand over the last couple of
6 years. These are 911 initiated police service
7 requests.

8 The number of arrests I believe in 2009 were
9 around sixty-two hundred adult arrest and something
10 like forty-two hundred juvenile arrests.

11 Those figures are available from the police
12 department, if anybody wants the actual numbers.

13 I would submit that the number of calls for
14 service and the number of arrests, you know,
15 understand, people don't like to be arrested.

16 Most of the cases that involve allegations
17 of excessive force also involve somebody who has to
18 some level not submitted to being placed under
19 arrest.

20 And the fact that we have only something
21 like a hundred and fifty complaints a year I think is a
22 tribute to the officers.

23 You know, there will always be situations

1 where people believe that they were mistreated and
2 officers feel they were justified in their actions.

3 And certainly there is a mechanism needed to
4 adjudicate these matters and determine what actually
5 happened.

6 And it is the patrolmen's position, and we
7 urge you to adopt also the position, that the best way
8 to do that is to return to an organizational
9 structure that has a board of police commissioners,
10 which is the appointing authority with full authority
11 to hire, fire, promote, set policy and conduct
12 disciplinary hearings.

13 Thank you.

14 MR. TWIGGS: Thank you.

15 Are there any questions from -- no, no,
16 questions from the committee.

17 MR. STOKES: He didn't answer my
18 question.

19 MR. TWIGGS: You don't know where we are
20 going with this. We are not doing it just from the
21 public's perspective. We are doing it because we are
22 trying to get to a certain position.

23 I mean we just need to know. We can make a

1 decision.

2 Once you tell us what is going on and we
3 understand what is going on, we will make a decision.
4 Wouldn't you say so, counsel?

5 MR. STOKES: You have not done it in four
6 years now.

7 MR. TWIGGS: Thank you.

8 I am very happy that the present chairman of
9 the hearing board has come out this evening and I
10 would ask if she would grace us with a few thoughts in
11 terms of what has taken place on her watch and how it
12 can be improved.

13 We ask you to please sign and just give us
14 your name and address.

15 MS. TUCKER: Good evening everyone.

16 My name is Cynthia Tucker. I reside in the
17 City of Springfield at 35 Riverview Terrace.

18 I was born and raised in this city, love this
19 city and feel as though I know it well.

20 I can tell you that everyone who serves on the
21 current community police hearing board shares my
22 sentiment about the City of Springfield.

23 We serve there because we have a sincere

1 interest in the work that needs to be done.

2 And let me say that for those of you who
3 think that we sit there and we are completely
4 satisfied with the role of the hearing board, I can
5 tell you that we also are not.

6 But we are working under certain constraints
7 and we are doing the best that we can within those
8 constraints.

9 However, it also concerns me when Attorney
10 Coyle and I are on the same side. He is looking for
11 one kind of board and so, you know, we have --
12 sometimes we have to be careful of what we think we
13 are asking for because the City of Springfield is very
14 unique and has a unique set of circumstances.

15 We have an abundance of police officers who
16 do not reside within our city and that creates its
17 own set of challenges with regard to how members act
18 to one another.

19 A police officer long retired once told me,
20 and he lived in what would be considered the hood,
21 and I asked him how do you continue to walk these
22 streets every day, and he said because I operate it
23 with integrity. I did not arrest anyone unless I

1 caught them in the act. It was my job to do that.

2 If they were doing drugs six days a week and I
3 happened to catch them on the seventh day and I
4 burst into their home and they didn't have any drugs,
5 it is not my job to plant drugs. It is my job to
6 catch them in the act.

7 And when you fail to do that, you lose the
8 trust of the community that you are charged with
9 serving.

10 And so he, to this day he says when I
11 arrested them, I treated them humanely and I did my
12 job to the extent that was necessary to effectuate
13 the arrest and nothing beyond that.

14 So all the instances that we now see of
15 excessive force, they are of great concern and they
16 have deteriorated the trust of the city residents
17 towards our police department, and many of them who do
18 not interact with us in the grocery store, who do not
19 interact with us in libraries or with our children in
20 school.

21 So we have so much work to do to try to get
22 the caliber of the police officer and the police
23 officer who respects the citizens of Springfield.

1 I can also say that the City of Springfield,
2 the residents here have a job to do as well because
3 we have a city running amok in terms of crime, and
4 those of us who have lived here for a while remember
5 this community when it was a different kind of
6 community.

7 And so we seek that and believe that we can
8 have that once again.

9 But there are a number of steps and there is
10 a great deal of commitment that has to go along with
11 this.

12 This board, I can tell you, works with the
13 current commissioner and works well with the current
14 commissioner.

15 We sit down and share our concerns. We do
16 not bite our time and he hears us and to date he has
17 not overridden our decisions --

18 MR. TWIGGS: That you recommended?

19 MS. TUCKER: That we have recommended to
20 him, correct.

21 But let me say I hear the larger concern that
22 these are transitional positions, and this
23 commissioner will not be in place forever.

1 This body of hearing board members will not be
2 in place forever.

3 So when we talk about doing something in
4 perpetuity, or at least for an extended period of
5 time, I recognize the concerns of this community in
6 that regard.

7 And that is -- that will continue to be a
8 concern because of just the juxtaposition of the
9 community and the police.

10 If we could merge those entities and work
11 together, and the hearing board is -- we are actually
12 racking our brain to come up with ways, just as you are
13 doing here, to connect with the community, to share on
14 both sides what is going on and the challenges.

15 We want to get it right. We want to get the
16 mix right.

17 We need the police and the police need us,
18 and we need respect going back and forth.

19 There is a mutuality of benefits if we can
20 achieve that, but there is work to do at both ends of
21 the spectrum.

22 And we need representatives for police
23 officers who are not at a win at all cost, but will

1 counsel the police officers when they do wrong.

2 MR. TWIGGS: Absolutely.

3 MS. TUCKER: And I think a greater role
4 could be played in that regard. And I have not seen
5 that at all.

6 MR. TWIGGS: Let me ask you,
7 commissioner -- I've called you that for so many years
8 of course, formerly being the head of the Massachusetts
9 Commission Against Discrimination.

10 What percentage of Springfield policemen
11 reside outside of the city and what can we do --

12 MS. TUCKER: I don't have that figure off
13 hand and I don't know if Attorney Pikula has it.

14 MR. TWIGGS: Can you send it to us, can
15 you, by way of Bob Arieti?

16 MS. TUCKER: We'll do.

17 MR. TWIGGS: Because I understand that to
18 be a very touchy issue.

19 You know, I know there are members of the
20 council right now who feel anybody who works for the
21 city ought to live in the city. If you are taking our
22 dollars, you ought to be making your home in
23 Springfield.

1 I am sure that is going to be an issue at some
2 point with this council, but I just thought you had
3 that number that you could share with us.

4 Let me ask you with respect to, have you had a
5 problem as a hearing officer which information -- I
6 mean would you have the ability to subpoena people
7 that would aid you in your investigation or have you
8 had a need for them?

9 MS. TUCKER: Well, I can tell you that
10 any time we have requested information from the
11 investigative unit, Lieutenant Brown has been extremely
12 forthcoming with effort and in fact we have not
13 subpoenaed individuals at this point.

14 But I can tell you that the community, and
15 particularly in the case of what we just heard -- what
16 is the name?

17 MEMBER OF THE PUBLIC: The Jones case.

18 MS. TUCKER: Yes, the Jones case.

19 Individuals from the community will not come
20 forward in a way that is productive and on the record.
21 And that is an impediment to our ability to be
22 effective and rendering a decision that is fair.

23 MR. TWIGGS: Why do you think that is

1 so?

2 MS. TUCKER: I do not know. I can
3 certainly speculate.

4 MR. TWIGGS: I am willing to listen to
5 your speculation.

6 MS. TUCKER: Well, my understanding is
7 that they are concerned about retaliation.

8 I have no evidence to support that, and none
9 has been presented to me to support that I should
10 say.

11 I think there is definitely a disconnect
12 between them, individuals feeling as though they are
13 putting themselves out in public on the line
14 so-to-speak before perhaps a hearing body that does
15 not have certain power or certainly not the power
16 to protect them should something befall them because
17 of what they perceive is their participation in the
18 process.

19 But be that as it may, I would encourage
20 strongly people to come forward.

21 MR. TWIGGS: Yes. But this obviously
22 impedes whatever kind of commission that we put into
23 place of them coming to the bottom line of what, how do

1 we correct the problems.

2 MS. TUCKER: Correct.

3 MR. TWIGGS: Because as long as people
4 feel, you know, an impediment because of fear, I mean
5 perceived or, in some cases, in actuality, we need to
6 find a way of dealing with that, and I really
7 appreciate your thoughts on that matter.

8 Any questions for the commissioner?

9 MR. JARNES: Regarding back to the
10 police living outside or inside the city, let's say
11 there was an ordinance passed by the City Council that
12 all city employees would have to reside within the
13 city, would that affect the current employees or could
14 you make current employees move to the City of
15 Springfield, or would it just affect employees hired
16 from that date forward?

17 MS. TUCKER: I really can't answer that
18 question.

19 That is a broader point question than I can
20 respond to, and I can tell you that is a huge huge,
21 issue that has so many implications, contractually and
22 otherwise.

23 MR. PIKULA: I can answer that.

1 Number one, we do have an ordinance.
2 Number two, it doesn't apply to the police, it doesn't
3 apply to teachers, by state statute, the teachers
4 union.

5 MR. TWIGGS: By state statute?

6 MR. PIKULA: That is correct.

7 By an arbitration decision Springfield
8 residency does not apply to the police department.

9 MR. JARNES: So contractually they are
10 able to not live in Springfield?

11 MR. PIKULA: Correct. So that would have
12 to be negotiated.

13 MR. TWIGGS: What about the fire?

14 MR. PIKULA: Fire again, they have a
15 statute that talks about within fifteen miles I believe
16 it is of the city.

17 MR. TWIGGS: There is a lot of
18 Gerrymandering going on.

19 Professor Camerota.

20 MR. CAMEROTA: I would like to say that I
21 always look forward to hearing --

22 MEMBER OF THE PUBLIC: Can you speak up a
23 little please?

1 (Microphone being adjusted.)

2 MR. CAMEROTA: How is this?

3 A couple of points. The first one is that I
4 have heard some of your comment in the past and I have
5 always been struck by the cogent arguments and comments
6 that you put forth regarding all these issues here.
7 Your testimony on the matter is from my point of view
8 extraordinarily thoughtful.

9 So much so that it helps to erase a
10 tremendous headache I have had for about the last hour
11 and a half.

12 But I was wondering if we could prevail upon
13 you to do a couple of things. And that is, have you
14 had an opportunity to study these three ordinances in
15 any detail?

16 MS. TUCKER: Yes.

17 MR. CAMEROTA: You have.

18 I was also wondering whether or not it would
19 be possible for you to submit to the committee some
20 suggestions that you might have for improving the
21 police oversight above and beyond what we have
22 presently?

23 MS. TUCKER: I have no problem with

1 that. Attorney Pikula and I are in constant
2 conversation.

3 MR. CAMEROTA: All right.

4 Well, what we are trying to do is to elicit
5 something here and that is in looking at those, you
6 had said that you had some frustrations about the
7 current composition of the civilian review board,
8 right?

9 You had voiced some frustrations about the
10 limitations and so forth?

11 MS. TUCKER: Not composition.

12 MR. CAMEROTA: All right. And I know
13 there is this larger issue of trust that you were
14 talking about that appears to be an impediment.

15 But what procedural changes could you
16 recommend that you think would strengthen the whole
17 process of police oversight?

18 MS. TUCKER: Let me just share a bit of
19 my history.

20 There was a point at one time when I
21 represented the city when individuals had made
22 allegations against a police officer.

23 So in that role I came to know on some level

1 the former police commissioners, the board, the way it
2 was formerly set up.

3 I can tell you that the amount of time we
4 currently spend is extensive. That body also spent
5 long hours reviewing cases and much of that was
6 delegated.

7 I should say some of that role was delegated
8 to the police chief at that time to do some of the
9 hiring.

10 It is hard for me to respond because I guess I
11 need to know fully what is entailed in the day-to-day
12 running of a facility.

13 We don't have the time. We are volunteers.
14 We certainly cannot do that, do not want to be
15 involved in doing that.

16 I actually am curious and do not recall how
17 the former commission board operated such that they
18 could do all the things that they were charged with
19 doing.

20 But apparently they did them.

21 So that is some research that I really need to
22 get a clear grasp on before I could even begin to say,
23 you know, where the frustrations arise, where

1 correction could be had because it is still fuzzy to
2 me completely how that former body operated to the
3 extent it was charged with operating.

4 MR. TWIGGS: My understanding is that
5 the full scope of their responsibility was such that
6 it is not clear how they could have gotten all of
7 that done on a volunteer basis is the point you are
8 making, commissioner?

9 MS. TUCKER: Correct.

10 MR. TWIGGS: I think I heard some
11 discussion about that already.

12 There is a concern with a five or seven
13 member board or commission running a forty-million
14 dollar operation within the city on a part-time
15 basis, which is legitimate.

16 I mean we need to figure out how we get
17 around that kind of question while at the same time I
18 think larger issues are raised here tonight.

19 One is the concern that citizens will just not
20 come forward. I mean I have known that.

21 I mean I wonder if I would have reluctance to
22 go and testify before a police hearing board if I saw
23 something out of fear.

1 I don't think I would.

2 MS. TUCKER: I don't think you would
3 either.

4 MR. TWIGGS: Because I am an old man, you
5 can't do that. I mean you can't take my Social
6 Security check, that is for damn sure.

7 While at the same time I can appreciate
8 people who don't have the wherewith all, you know,
9 having some reluctance.

10 I think that is something we need to
11 address. And the other thing is police living out of
12 the city.

13 You know, I had the problem with teachers
14 living out of the city. I mean that is a big problem
15 for us.

16 And so these are problems that we face as a
17 body when we look at the whole scope of things, I mean
18 that are keeping us from really having what we hold in
19 our own head might think is most desirable.

20 And so, you know, you would have people from
21 the community saying y'all ain't doin' nothing.
22 Not recognizing the constraints that the laws have
23 placed on what you are able to do.

1 And so, commissioner, I would ask you -- I
2 really appreciate your coming forward, but I am
3 hopeful at the end of these public hearings, if you
4 are available, what I would like to do is to have a
5 session with you and Lieutenant Brown, and even the
6 union member, for each member to ask a series of four
7 or five questions that they have in their heads that
8 you can answer for us.

9 And I would ask if you could be available once
10 we have done our public hearings, if we could sit down
11 and you could just meet with the committee as a whole
12 and answer some questions for us.

13 MS. TUCKER: I would expect to work out a
14 date with you. That would be fine.

15 MR. PIKULA: Attorney Tucker, it has been
16 mentioned that you were a commissioner for the
17 Massachusetts Commission Against Discrimination and in
18 that role you did, you were the investigating
19 commissioner with regards to a complaint that was filed
20 by the Pastors Council, and that was with regards to
21 an incident involving Mr. Douglas Grier, correct?

22 MS. TUCKER: Correct.

23 MR. PIKULA: And that was an incident that

1 occurred under the prior police commission, correct?

2 MS. TUCKER: Correct.

3 MR. PIKULA: And as a result of
4 receiving that complaint you used your powers as the
5 investigating commissioner to order an expedited
6 investigation, is that correct?

7 MS. TUCKER: That is correct.

8 MR. PIKULA: And as part of that
9 investigation the police were ordered to appear and
10 provide records and information as to how they
11 handled disciplinary matters?

12 MS. TUCKER: That is correct.

13 MR. PIKULA: And during that investigation
14 the services of a criminal justice professor from, I
15 think, Northeastern --

16 MS. TUCKER: Correct.

17 MR. PIKULA: Participated in the
18 investigation?

19 MS. TUCKER: McDevitt.

20 MR. PIKULA: Yes, McDevitt, Doctor Jack
21 McDevitt.

22 MS. TUCKER: Correct.

23 MR. PIKULA: And that case was ultimately

1 resolved and was settled under your purview, is that
2 correct?

3 MS. TUCKER: I am just unclear as to
4 whether it was finalized during my tenure.

5 MR. PIKULA: Okay. But are you familiar
6 with the fact that this settlement included the city
7 retaining Doctor McDevitt as a consultant to provide
8 recommendations as to how best to have citizen review
9 of police disciplinary matters in the city?

10 MS. TUCKER: Yes.

11 He had exposure nationally and he had some
12 progressive thoughts to bring to the table.

13 MR. PIKULA: I would make the report
14 prepared by Doctor Jack McDevitt and Doctor Amy Farrell
15 in April of 2007 entitled, enhancing community review
16 of the Springfield police department an exhibit in our
17 proceedings so that the members will have it all.

18 MR. TWIGGS: I have no objection to that
19 and I would urge that it happens.

20
21 (Exhibit number seven so marked and
22 introduced.)
23

1 MR. PIKULA: And I would also just for
2 the record state, there was mention of the Buraker
3 management study that had been done, and I would
4 request also that that be allowed to be made an
5 exhibit for the board to review.

6 MR. TWIGGS: Yes. And I would ask that
7 both of those reports be made available to the entire
8 committee, all of the committee members.

9
10 (Exhibit number eight so marked and
11 introduced.)

12
13 MR. TWIGGS: I just want to make sure that
14 they are available to all of the members since they are
15 a part of the record.

16 MR. PIKULA: I will see that they are put
17 on line.

18 MR. TWIGGS: All right, are you through?

19 MR. PIKULA: Yes.

20 MR. TWIGGS: Thank you for those
21 insightful questions.

22 MR. CAMEROTA: One last question.
23 Maybe this falls under the category of asked and

1 answered or perhaps I just didn't quite catch the
2 answer.

3 But once again your estimation of how
4 effective do you think the possibility of any kind of
5 board having subpoena power might be?

6 MS. TUCKER: Oh I think that could be
7 very effective.

8 MR. CAMEROTA: Would you say that would
9 be a necessary pre-condition to strengthening that
10 board or perhaps even developing greater public
11 confidence?

12 MS. TUCKER: You know what, I had a
13 conversation with Attorney Pikula and I think I am
14 trying to refresh my memory.

15 Weigh in on this, if you would.

16 MR. PIKULA: Under the present format
17 Commissioner Fitchet certainly has the power to
18 subpoena.

19 The mayor in his executive order talks about
20 subpoena power, but technically only the state statute
21 or the City Council can give that power.

22 So in the proposal, I think in at least one,
23 in the Twiggs Allen proposal I know there is a

1 provision for subpoena power being issued by the City
2 Council to this board.

3 MR. TWIGGS: Does that answer the
4 question?

5 MR. CAMEROTA: Yes.

6 MR. TWIGGS: Are there other questions?

7 MS. TUCKER: I just want to conclude by
8 saying I really want to put on the record that the
9 mayor was very cognizant of the extent of
10 responsibility that this board could have. He was
11 trying to be realistic in establishment of a hearing
12 board as to what we should accomplish in terms of
13 priority.

14 So I have to recognize his wisdom in moving
15 in the direction he did at this point in time.

16 MR. TWIGGS: Thank you very much.

17 MS. TUCKER: The only thing I want to
18 say and I want to say to Reverend Stokes and anyone
19 out there in the audience, certainly if you have
20 thoughts as to how we can be of assistance to you
21 and how you can be of assistance to us in reassuring
22 the community so that we can develop a greater level
23 of comfort and people coming forward to testify, we

1 really need to work together to accomplish that task,
2 so that our community feels as though they can come
3 and address this body before the city.

4 MR. TWIGGS: Thank you very,
5 commissioner.

6 (Applause)

7 MR. TWIGGS: Is there anyone else who
8 would like to bring testimony to this body tonight?

9 (No response)

10]MR. TWIGGS: Let me -- I may just take a
11 moment and thank all of you for your patience and your
12 understanding and for coming out to participate in this
13 highly charged responsibility.

14 We will meet -- this committee will meet
15 again on Wednesday, December the 9th at the Rebecca
16 Johnson School, 55 Catherine Street at six p.m..

17 Please let the word go forward.

18 Bob, would you get out a news release
19 regarding this immediately?

20 MR. ARIETI: Mr. Chairman, the meetings
21 two, three and four have already been released out.

22 MR. TWIGGS: I know, but can we just do it
23 again?

1 MR. ARIETI: We can do it again, yes.

2 MR. TWIGGS: I want to thank the members
3 and the citizens for coming forward and giving us the
4 opportunity to listen to you and ask questions of
5 you.

6 I can assure you that that will move forward,
7 move this body forward to reminding us of the job that
8 we have before us, and we are looking forward to a good
9 product.

10 Thank you very much.

11
12 (The speaker list was marked as exhibit number
13 nine.)

14
15
16 (The hearing was adjourned at 7:50 p.m.)

17
18 * * * * *

1
2 Hampshire, ss.
3

4 I, HELGA RAGLE, Court Reporter-Notary Public,
5 hereby certify that the foregoing is a true and
6 accurate transcript of my stenographic notes of the
7 public hearing held at the Chestnut Accelerated Middle
8 School auditorium, 355 Plainfield Street, Springfield,
9 Massachusetts on December 1, 2010 to the best of my
10 ability.
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13 December 5th, 2010
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